

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

V.

MICHAEL WILKINS,
Defendant.

CRIMINAL NO. A-09-CR-263 (SS)

**GOVERNMENT’S REQUEST FOR LEAVE OF COURT
TO DISMISS ORIGINAL INDICTMENT**

Pursuant to Rule 48(a), Federal Rules of Criminal Procedure, and subject to obtaining leave of the Court, the United States Attorney for the Western District of Texas hereby dismisses, without prejudice, the original indictment filed in the case against the Defendant, Michael Wilkins, in the interest of justice, based upon his prosecution by the State of Texas in Cause Number D-1-DC-09-202122; filed in the 331st Judicial District Court of Travis County, Texas which arose out of the same facts and circumstances giving rise to the indictment in this cause.

JOHN E. MURPHY
ACTING UNITED STATES ATTORNEY

By: _____/s/_____
James Booher
Special Assistant United States Attorney
816 Congress Avenue, Suite 1000
Austin, Texas 78701
(512)916-5858/Fax (512)916-5854
State Bar No. 00790334

CERTIFICATE OF SERVICE

I certify that on September 1, 2009, the foregoing Government's Request for Leave of Court to Dismiss Original Indictment has been electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Jose I. Gonzalez-Falla
800 Brazos
Suite 490
Austin, Texas 78701

_____/s/
James Booher
Special Assistant United States Attorney

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ORDER

Came on to be considered the motion filed by the United States Attorney pursuant to Rule 48(a), Federal Rules of Criminal Procedure, requesting that the original Indictment in this cause be dismissed. The Court, having duly considered the motion, finds that the motion is meritorious. It is hereby

ORDERED that the Government's motion be GRANTED.

SIGNED on the _____ day of _____ 2009.

Date

UNITED STATES DISTRICT JUDGE